

**REMARKS**

The Office Action dated May 24, 2007 has been reviewed, and the comments of the U.S. Patent Office have been considered. All pending claims stand rejected. All pending claims are canceled and replaced with new claims.

**112 Rejections**

Claim 13 was rejected under section 112 par. 2 for indefiniteness. Claim 13 is canceled by this amendment.

**102 Rejections**

Claims 1, 3, 6 and 8 and 15-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Causey, III et al. (US 6,641,533). The Office Action states:

Regarding the one-way transmission of data, Causey, III et al. further discloses that the computer 6 (monitoring portion) is capable of receiving data from the medical device module 200 for analysis (Column 23, Lines 49- 52 and Figure 10), but does not disclose the computer 6 transmits data back to the medical device module 200 (as demonstrated by the one-way arrow to the communication station in Figure 10). Therefore, Causey, III et al. discloses a one-way communication channel between the treatment machine (200, 400) and the monitoring device 6, such that the treatment machine 400 is not affected by a data-processing software being operated by the monitor device 6, and therefore is capable of operating without said monitoring device.

Although the claims presented are new claims, to further prosecution on the merits, Applicants would like to point out to the Examiner that Causey, III et al. does not show a one-way communication channel. The description of the communication in the reference is entirely consistent with a bidirectional communication channel, for example, wireless or modem. In terms of claim 1, for example, there is no showing of “the monitor unit is prevented from

affecting the administration of the medical treatment by the treatment unit.” The Examiner indicates that there is an arrow that points one way toward the computer 6 in Fig. 10, but this is a symbolic representation of data flow which supports a particular operation in which data is downloaded to a remote computer through a communication station. Thus, Fig. 10 describes an operation. The examples of the communication channel include modems, wireless, infrared, ultrasonic, and audible frequencies. None of these indicates, as the Examiner suggests, “a one-way communication channel between the treatment machine (200, 400) and the monitoring device 6, such that the treatment machine 400 is not affected by a data-processing software being operated by the monitor device 6.” Claim 19 requires that “the monitor unit is prevented from affecting the administration of the medical treatment by the treatment unit.” Applicants propose that this is not shown in the reference.

In addition to the above, Causey III, et al does not show the combination of limitations in the newly presented claims.

### **103 Rejections**

Claims 2, 4, and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Causey, III et al. in view of Gilcher et al. (US 6,113,554). The Office Action relies on Gilcher et al for the teaching that a monitor unit and treatment unit can be commonly housed. Whether or not Gilcher et al teaches the limitations of the rejected dependent claims, the support for the rejection of the base claims is absent. In addition, Applicants propose that the proposed combination is at odds with the teachings of the references since Causey, III et al relate to “remote programmers and/or handheld personal data assistants (PDA) for use with medical devices,” as stated in the Field of the Invention section. The modification proposed by the Examiner is completely at odds with the teachings of the base reference.

## **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this Application.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



Date: August 24, 2007  
Patent Administrator  
**Proskauer Rose LLP**  
1001 Pennsylvania Avenue, NW  
Suite 400  
Washington, DC 20004  
Telephone: 202.416.6800  
Facsimile: 202.416.6899

Mark A. Catan  
Attorney for Applicant  
Registration No.: 38,720

Customer No. 61263